IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO.14 OF 1996.

The State of Maharashtra .. Appellant

vs.

Jagannath Mahadeo Tandel .. Respondents.

Mr. B.R.Patil, A.G.P. for Appellant State

None for the Respondent.

CORAM : D.G.DESHPANDE, J.

DATED : 20th January, 2005.

ORAL ORDER :

1. Heard the learned AGP for the State who has filed this appeal. There is nobody present for the respondent. The State has challenged the award of compensation under the Land Acquisition Act to the claimant at Rs.10/- per sq.mt granted by the lower Court.

2. The land admeasuring 8740 sq.mt from Village Karanjwade, Taluka:Panvel of the claimant was acquired. Notification under Section 4 was issued on 3.2.1970. The award came to be passed on 16.9.1986. The SLAO granted Rs.0.97 per sq.mt In the Reference claimant claimed Rs.20/- per sq.mt and the Reference Court granted Rs.10/- per sq.mt.

3. Even after hearing the learned AGP I do not find that this is a case where any interference is required in the order of the lower court. In para 7 of the judgment the Court has considered the awards in other cases from the same village and has also given due weightage to the important factors, namely, proximity of the acquired land to the Highway. Para 7, which is relevant reads as under :

> "For town development, it is necessary to keep reserve and provide for infrastructure facilities like market, hospital, water supply, garden etc. It is not true to say that for conversion of land 33% land was to be kept open. Gavthan area of Karanjade not shown in the map. S.T. facility is not available in Karanjade Gavthan directly. The distance of Uran road and Karanjade Gavthan is 1440

> Mtr. towards north. There are agricultural bunds to the land in question. It is not true that being agricultural lands these lands are undeveloped lands. It is not agreed with keeping 3% land as there should be 25% depending on area required for convertion of N.A. If land is one acre 10% for garden plus certain percentage for road. Which depends upon the skill of planner and if area is less than one acre the percentage of the road area where is from 0% to any percent depending upon skill of the planner."

4. It is clear that the compensation granted by the SLAO was too inadequate and meagre and therefore in the consideration as reproduced above from para 7, the award of compensation at Rs.10/- was just and proper. No interference is called for. Hence Appeal is dismissed. No order as to costs.

20.01.2005 (D.G.Deshpande, J.)